



RECRUITING TIPS

Are You Limiting Candidates With Biased Job Ads?

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Your job ads may be biased. And they may be driving candidates away. And you may not even know it.

But when writing job ads, the issue is not which terms make you racist or sexist or otherwise discriminatory, says Tom Brennan, Master Writer at leading nationwide recruiting firm [Decision Toolbox](#). And, the issue is not what you mean by a word or phrase, however innocent, he says.

“The issue is that making smart language choices can help you avoid driving good candidates away,” says Brennan. “Some have argued that there are upwards of 25,000 terms that can convey an unconscious bias toward men or women. You can’t avoid using all 25,000 problematic terms, but you can make sure your postings include a balance of both masculine and feminine terms.”

Everything in life is sales – and that certainly applies to selling your company when you post a job advertisement, says [Todd Wulffson](#), Orange County managing partner at Carothers DiSante & Freudenberger LLP. Wulffson has nearly three decades of experience defending employers on a variety of labor and employment law issues.

“There are potentially hundreds of people waiting to dissect every word you say in a job ad to determine whether your company can or should be sued for the perhaps biased language you included,” said Wulffson.

So what do you do? How do you avoid biased job ads that also drive candidates away? Follow these tips from Brennan and Wulffson:

1. Don't make promises

It's best not to make any promises at all in a job ad, says Wulffson. And don't go so far as to imply promises such as “the company has never had a layoff,” “we pay the highest wages,” or “our employees all retire here – they never resign.”

“Discrimination claims, fraud, implied contract and specific state law claims (Labor Code Section 970 in CA) can all arise because someone claims your biased language convinced them to leave gainful employment – or they claim that your language is actually evidence of some concealed animus not to hire people of their gender, race, orientation,” says Wulffson.

2. Avoid language that can be misconstrued

Wulffson points out that words like “fresh” or “energetic” can be code for young. Words like “strong” or “sports-minded” can be code for male; and “strong English-language skills” can be code for no Hispanic employees desired. Instead, note in neutral terms, what the requirements are: “Bachelor's degree required,” “5 years' experience minimum,” or “must have strong communication skills.”

3. Consider using a job posting service

Brennan points out there are services you can use to scan your postings for such biased, terms, such as Unitive and Textio.

4. Avoid trying to be gender neutral with everything

Brennan also recommends avoiding the use of terms like “he” or “him” as if they were gender neutral, but that can result in awkward writing like, “The Sales Manager will lead his/her team in exploring new markets.”

One way to avoid that is to use the second person, as if speaking directly to candidates: “As Sales Manager, you will lead your team in exploring new markets.”

Another way is to use the plural. Instead of “Each candidate will be judged on his/her individual merits,” you could write, “Candidates will be judged on their individual merits.”

5. Don't rush just to get a job ad posted

When writing job ads, start with a good job description that has been reviewed by counsel, HR, and the hiring managers. State the requirements concisely, clearly and in neutral terms, says Wulffson. If you want to sell the company to the applicant, include a link back to the company's website or press releases. Let the company's marketing do its job. Let the job ad describe the opportunity.

“The job ad will be the document analyzed and dissected to determine liability – so keep it short, to the point and neutral,” says Wulffson.